

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Redesignation of the 17.7-19.7 GHz Frequency)	
Band, Blanket Licensing of Satellite Earth)	IB Docket No. 98-172
Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz)	RM-9005
Frequency Bands, and the Allocation of Additional)	RM-9118
Spectrum in the 17.3-17.8 GHz and)	
24.75-25.25 GHz Frequency Bands for Broadcast)	
Satellite-Service Use)	

**REPLY COMMENTS OF
RCN TELECOM SERVICES, INC.**

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December 21, 1998

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**REPLY COMMENTS OF
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RCN Telecom Services, Inc. (ARCN_≡), by its undersigned counsel, responds to the comments submitted pursuant to the Commission's Notice of Proposed Rulemaking (ANPRM_≡ or ANotice_≡) in the above-captioned proceeding.¹ As explained in its initial comments, RCN, through its operating subsidiaries, is a private video distribution system operator utilizing the 18 GHz band to provide video programming services to its customers.

RCN, along with a number of other commenting parties,² supports the alternate spectrum allocation proposal of the Fixed Point-to-Point Communications Section, Wireless Communications Division of the Telecommunications Industry Association (AFPPS/TIA_≡).³ The FPPS/TIA's band upholds the current spectrum allocation for private video distribution systems, preserving an

¹ *Redesignation of the 17.7-19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7-20.2 GHz and 27.5-30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3-17.8 GHz and 24.75-25.25 GHz Frequency Bands for Broadcast Satellite-Service Use, Notice of Proposed Rulemaking*, IB Docket No. 98-172, RM-9005-9118 (released Sept. 18, 1998).

² See Comments of GTE at 7-8; Comments of Fixed Wireless Communications Coalition (AFWCC_≡) at 5; Comments of BellSouth Corporation (ABellSouth_≡) at 2, 10-11 (supports the AFWCC plan_≡).

³ See Comments of FPPS/TIA at 3.

important source of competition in the largely uncompetitive cable services market.

The FPPS/TIA spectrum plan also recognizes a point raised by most commenting parties, that fixed service operations are very difficult to reconcile with satellite service operations.⁴ Based on the initial comments, including those of most satellite service entities, spectrum sharing between blanket-licensed satellite systems and fixed service operations such as RCN=s video system may be almost impossible to achieve. As a consequence, RCN reaffirms that the Commission=s proposal to grandfather existing operations, and to place new or expanded operations on secondary interference status, if implemented, would cause lasting harm to the competition brought by private video distribution systems.

Satellite service providers also proposed a number of alternate bands plans. However, the majority of such plans do not recognize the particular requirements of private video distribution systems. Instead, many of the satellite service parties request even more spectrum, and blithely suggest the relocation of any incumbent systems, without attempting to resolve the more difficult task of identifying appropriate new spectrum for incumbents.⁵

Unfortunately, as some commenters have explained to the Commission,⁶ shifting incumbent fixed service carriers from other portions of the 18 and 19 GHz bands to the 17.3 to 18.3 GHz band poses many difficulties. The least of these problems is the migration, to this same portion of the spectrum, of additional fixed service operations from the lower bands such as the 2, 4, and 6 GHz

⁴ See, e.g., Comments of FWCC at 8-9; Comments of BellSouth at 9-10; Comments of FPPS/TIA at 4-6; Comments of ICTA at 4-6; Comments of KaStar Satellite Communications Corporation at 9; Comments of Association of American Railroads at 6; Comments of BP Communications Alaska at 4-5; Comments of Star at 7-11; Comments of Loral Space and Communication Ltd at 5.

⁵ See, e.g., Comments of Panamsat at 3; Comments of Hughes at 4-8.

⁶ See, e.g., Comments of BellSouth at 9-10; Comments of ICTA at 7-10.

bands.⁷ In addition, private video distribution systems operators must contend with the obstacles of coordinating their services with two-way microwave paths. As indicated in RCN's initial comments as well as the comments of two-way path operators, such coordination would be difficult, if not impossible.⁸

Relocation to a higher band is also not feasible, because beyond the 19 GHz band, the quality of service would decrease significantly under current system configurations. At higher frequencies, shorter path lengths would be required,⁹ rendering service to certain customers too costly or technically insurmountable. The essential reason that private video distribution systems are providing one of the few sources of competition in the cable industry is their cost-effectiveness; once that element is removed, the systems become impractical. Unlike incumbent wireline telephone local exchange carriers, incumbent cable operators are under no obligation to resell elements of their hardwire facilities.

Private video distribution systems provide a critical source of competition to the cable market that should not be restricted, reduced, or eliminated. Instead, the Commission should make every effort to encourage such competitive providers to expand and thrive. Accordingly, RCN urges the Commission to reject any spectrum plans that do not uphold the public interest.

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Respectfully submitted,

⁷ See, e.g., Comments of the County of Los Angeles at 4; SBC Communications, Inc. at 8; AirTouc munications, Inc. at 5.

⁸ See *Comments of BellSouth Corporation*, Exhibit I, Hardin and Associates Report at & 5.

⁹ *Id.* at & 6.

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